



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,939	09/18/2007	Dirk Buchhauser	12406-225US1 P2006,1044 U	6858
26181 7590 11/16/2010 FISH & RICHARDSON P.C. (SV) PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
THOMAS, ALEXANDER S				
ART UNIT		PAPER NUMBER		
1783				
NOTIFICATION DATE		DELIVERY MODE		
11/16/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/599,939

Applicant(s)

BUCHHAUSER ET AL.

Examiner

Alexander Thomas

Art Unit

1783

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/10 has been entered.

Election/Restrictions

2. Applicant's election of Group I, species A in the reply filed on 10/27/10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

3. The previous rejection under 35 U.S.C. 112, first paragraph, has been overcome in view of the changes made to claim 1.

4. Claims 1, 3 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no original disclosure of the protective film consisting of a material that is "not adhesive".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by McCormick 2003/0143423. The reference discloses an organic electronic component (an OED) 18 on a substrate encapsulated in a dimensionally stable capsule (the glass cover plate 24), an adhesive seal 22 comprising absorbents [0027] that attaches the cover plate to the substrate, and a protective or barrier film 26 that covers the transition area from the capsule to the substrate (see Figure 1A) and is more insulating against moisture and/or oxygen than the adhesive 22; see [0033] and [0040]. Regarding the limitation in claim 1 of the “protective film” being “not adhesive”, in the final product of the reference, the cured epoxy adhesive will not have adhesive properties and thus meets the claim limitation. Concerning claim 4, the term “thin” is a relative term, and as such, does not distinguish over the film 26 in the reference.

7. The previous rejection of claim 16 under 35 USC 102(e) over McCormick has been overcome in view of the changes made to the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick 2003/0143423 in view of Chun 6,710,542. McCormick discloses the invention substantially as claimed; see the above rejection under 35 USC 102.

However, he does not disclose "a protective film" that covers the entire exterior of the component or the use of a silicon nitride protective film. Chun discloses both of these features in his encapsulation for an organic electronic component with a protective film of silicon nitride; see column 2, lines 13-15, claim 1 and column 4, lines 47-52. It would have been obvious to one of ordinary skill in the art to use a silicon nitride film that covers the entire exterior of the component as the protective film in the primary reference in view of the teachings in the secondary reference to improve barrier properties and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick 2003/0143423. McCormick 2003/0143423 discloses the invention substantially as claimed; see the above rejection under 35 USC 102. However McCormick 2003/0143423 does not disclose the claimed thickness of his protective

barrier film. It would have been obvious to one of ordinary skill in the art to adjust the thickness of the barrier layer 26 in McCormick 2003/0143423 to any particular thickness so as to provide a desired level of barrier properties for a particular end use since a change in size is generally recognized as being within the level of ordinary skill in the art.

11. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fazzio 7,642,642 in view of Chun 6,710,542. The primary reference discloses a circuit 24 encapsulated in a capsule 30 having lateral areas 32 that are attached to a substrate by adhesive 34 and a protective film 36 covering the area of transition from the capsule to the substrate; see Figure 3A. However, the primary reference does not disclose his circuit as being an organic electronic component. The secondary reference discloses an encapsulated organic electronic circuit 12, 13, 14, 16 comprising a capsule attached to a substrate 11 with an adhesive 17 which is coated with a protective film over part or all of the capsule and adhesive; see Figures 2 and 3. Thus, the secondary reference teaches that it is well-known to encapsulate organic electronic circuits. It would have been obvious to one of ordinary skill in the art to use the encapsulation structure of Fazzio to encapsulate an organic circuit in view of the disclosure in the secondary reference because this involves a simple substitution of one known element for another to obtain predictable results. Fazzio also does not disclose "a protective film" that covers the entire exterior of the component or the use of a silicon nitride protective film. The secondary reference discloses both of these features in his encapsulation of an organic electronic component with a protective film of silicon nitride; see column 2, lines 13-15,

claim 1 and column 4, lines 47-52. It would have been obvious to one of ordinary skill in the art to use a silicon nitride film that covers the entire exterior of the component as the protective film in the primary reference in view of the teachings in the secondary reference to improve barrier properties and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/599,939
Art Unit: 1783

Page 7

/Alexander Thomas/
Primary Examiner
Art Unit 1783